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STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

December 14, 2007

07od-035

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Oahu

Sale of Reclaimed Land to the Dorothy Ikeda Family Trust,
and Amend the Prior Board Action of November 8, 1963 Under
Agenda Item F-8, Kaneohe, Oahu, Tax Map Key: (1) 4-7-19:78
portion.

APPLICANT:

Dorothy Ikeda Family Trust, whose mailing address is 2995
Woodside Road, Suite 400, Woodside, California 94062.

LEGAL REFERENCE:

Section 171-53(b), Hawaii Revised Statutes, as amended.

LOCATION:

Government lands of Kaneohe, Koolaupoko, Oahu identified by Tax
Map Key: 4-7-19:78 portion, as shown on the attached map labeled
Exhibit A.

AREA:

1,914 square feet, more or less, to be determined by DAGS, Survey
Division.

ZONING:

State Land Use District: Urban
City and County Zoning: Residential (R-10)

LAND TITLE STATUS:

Section 5(b) lands of the Hawaii Admission Act

DHHL 30% entitlement lands pursuant to the Hawaii State
Constitution: YES _____ NO X

CURRENT USE STATUS:

Vacant and unencumbered

CONSIDERATION:

One-time lump sum payment of fair market value to be determined by independent or staff appraiser, subject to review and approval by the Chairperson; provided that if the reclaimed land has been filled in or made with the prior approval of government authorities, and not otherwise filled in or made contrary to the public interest, it may be disposed of at fair market value of the submerged land, but if the reclaimed land has been filled in or made otherwise, it shall be disposed of at the fair market value of the reclaimed or fast land.

CHAPTER 343 - ENVIRONMENTAL ASSESSMENT:

Not applicable. Subject lands are to be conveyed to abutting landowner(s) and will become privately owned land at that point. Chapter 343, HRS, would not apply to any future development on the parcel, as no State lands would be involved.

DCCA VERIFICATION:

Applicant is a landowner and, as such, is not required to register with DCCA.

APPLICANT REQUIREMENTS:

Applicant shall be required to:

- 1) Provide documentation that he/she is the owner of the property abutting the subject reclaimed land;
- 2) Pay for an appraisal to determine the one-time payment of fair market value for the reclaimed land;
- 3) Provide survey maps and descriptions according to State DAGS standards and at Applicant's own cost; and
- 4) Pay for the costs of public notice pursuant to section 171-16(d).

REMARKS:

Pursuant to Section 171-53(b), HRS, the Board may sell reclaimed land to the abutting owner if the land was filled as of June 12, 1962 and the Board finds that its disposition is not prejudicial to the best interest of the State, community or area in which such reclaimed land is located. Further, if the reclaimed land was filled in or made with the approval of government authorities and not otherwise filled in or made contrary to the public interest, the reclaimed land is valued as submerged land. Otherwise, it must be valued as reclaimed or fast land.

During the processing of a seawall and boat ramp easement for the neighboring parcel, staff became aware of the subject vacant State of Hawaii reclaimed land. The owner of the abutting parcel (1) 4-7-09:77 was contacted. The current owner requested purchasing the subject reclaimed land that was first offered by the Board in 1963 but not wanted at that time by the prior owner.

According to the November 8, 1963, item F-8 Board submittal (see Exhibit B), this parcel (referred to as Lot 14) and the other 16 parcels along this section of the coastline were created by the dredging project approved by the U.S Corp. of Engineers and the Harbor Commission. All of these parcels were offered to the abutting landowners at the submerged appraised values. This sale cited Section 50, Act 32, S.L.H. 1962, as amended, "...may be disposed of at fair market value or fair market rental of the submerged public land...".

The prior Board submittal offered payment plans in lieu of the one-time payment however no payment plans are proposed currently. Staff recommends the Board amend its prior action of November 8, 1963 by deleting all references to the subject parcel, Lot 14.

Applicant has not had a lease, permit, easement or other disposition of State lands terminated within the last five years due to non-compliance with such terms and conditions.

Government agency comments on the sale of reclaimed land were returned from the Department of Hawaiian Home Lands (DHHL) and the City and County of Honolulu (C & C). DHHL had no comment but the C & C noted that they could not determine if the rock wall is non-conforming.

Following the execution of the deed, the subject reclaimed land needs to be consolidated with their abutting private property through the City and County of Honolulu's consolidation process.

RECOMMENDATION:

That the Board, subject to the Applicant fulfilling all of the Applicant requirements listed above:

1. Authorize the subject requests to be applicable in the event of a change in the ownership of the abutting parcel described as Tax Map Key: (1) 4-7-019:077, provided the succeeding owner has not had a lease, permit, easement or other disposition of State lands terminated within the last five (5) years due to non-compliance with such terms and conditions.
2. Find that the sale of the subject reclaimed land is not prejudicial to the best interest of the State, community or area in which subject reclaimed land is located.
3. Declare that, after considering the potential effects of the

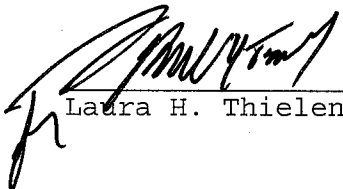
proposed disposition as provided by Chapter 343, HRS, and Chapter 11-200, HAR, this project will probably have minimal or no significant effect on the environment and is therefore exempt from the preparation of an environmental assessment.

4. Amend the prior Board action of November 8, 1963, agenda item F-8 by deleting all references to Lot 14.
5. Authorize the sale of the subject reclaimed land to the Dorothy Ikeda Family Trust covering the subject area under the terms and conditions cited above, which are by this reference incorporated herein and further subject to the following:
 - a. The Grantee shall consolidate the reclaimed land with the Grantee's abutting property through the County subdivision process;
 - b. The standard terms and conditions of the most current deed or grant (reclaimed land) form, as may be amended from time to time;
 - c. Review and approval by the Department of the Attorney General; and
 - d. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

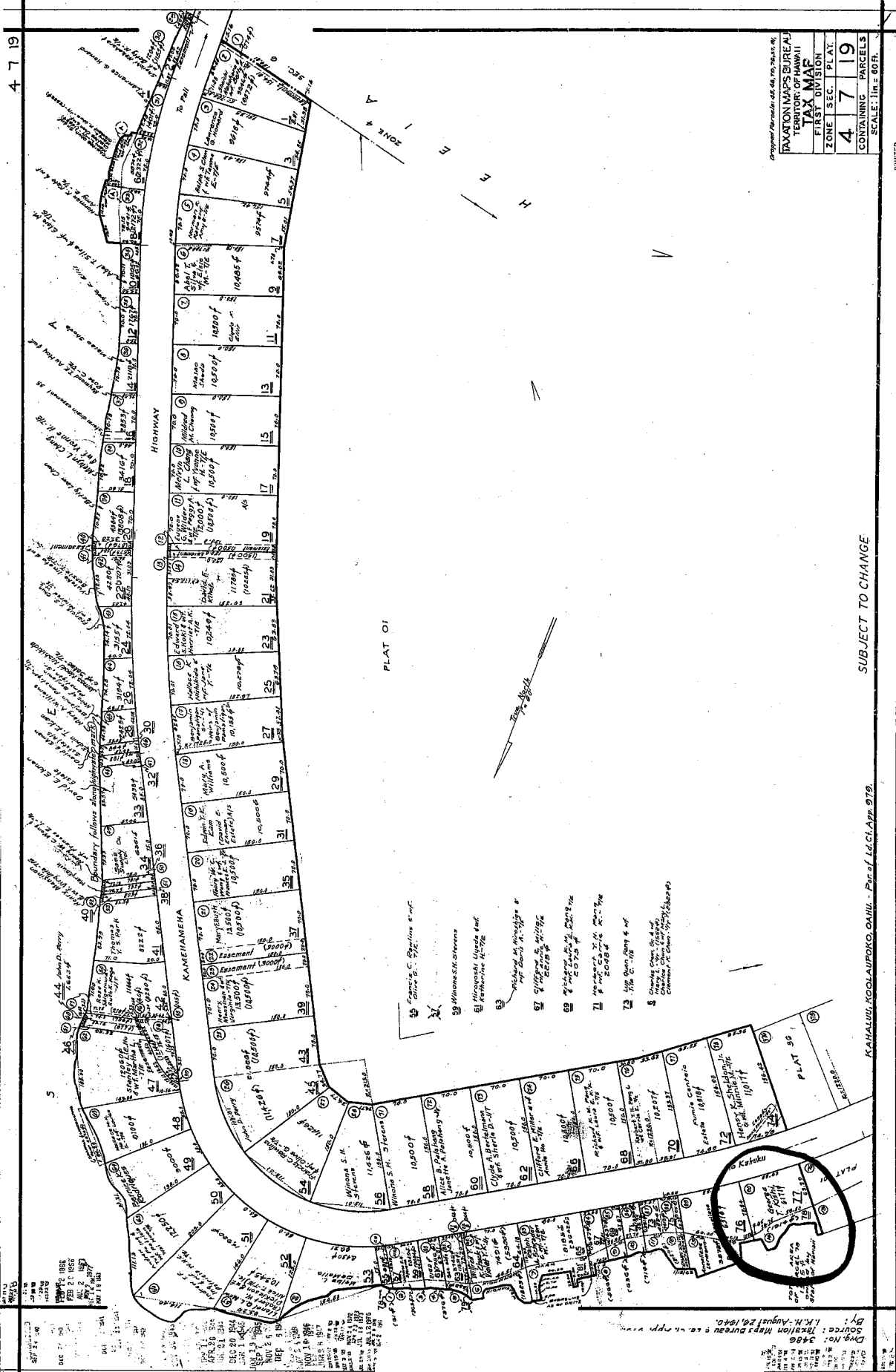
Respectfully Submitted,


Al Godar
Land Agent

APPROVED FOR SUBMITTAL:


Laura H. Thielen, Chairperson





TAXATION MAPS BUREAU TERRITORY OF HAWAII PLAT DIVISION			
ZONE	SEC.	PLAT	PARCELS
4	7	19	
SCALE: 1 in. = 80 ft.			

SUBJECT TO CHANGE

KAHALUI, KOGAUPONO, OAHU - Plat of LULU, Apr. 1919.

EXHIBIT "A"

STATE OF HAWAII
DEPT. OF LAND AND NATURAL RESOURCES
HONOLULU, HAWAII
Division of Land Management

November 8, 1963

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Gentlemen: DIRECT SALE OF RECLAIMED LAND OAHU
KAHALUU, OAHU

STATUTE: Section 50, Act 32, S.L.H. 1962.

APPLICANT: Various (17 abutting owners)

FOR: Certain artificially accreted lands, situate at Kahaluu, Koolaupoko, Oahu, fronting Parcels 55, 57, 59, 61, 63, 64, 65, 67, 69, 71, 73, 75, 76, 77 of Tax Map Key 4-7-19 and Parcels of 5, 6, and 7 of Tax Map Key 4-7-01 as indicated on maps appended to the basic files.

STATUS: Unencumbered

ZONE: Residential AA (10,000 sq. ft. minimum lot size)

PURPOSE: For use with adjoining lands.

SUBJECT PARCELS, AREAS AND APPRAISED VALUES ARE LISTED AS FOLLOWS:

Parcel No.	Area S.F.	Sale Price
1	100	\$ 60
2	100	60
3	300	180
4	300	180
5	500	345
6	1,700	1,490
7	2,500	2,190
8	600	415
9	600	415
10	700	550
11	700	550
12	1,300	1,015
13	3,500	3,835
14	1,700	1,815
15	5,600	5,975
16	1,300	1,385
17	1,000	1,070

(By appraisal dated 2/8/63 - E.A. Bolles, MAI)

REMARKS: On December 14, 1962, the Board approved the staff's request (Submittal F-16) for permission to appraise and to advertise the intended disposition of the abovementioned reclaimed parcels. We are in

APPROVED BY THE BOARD OF
LAND AND NATURAL RESOURCES
AT ITS MEETING HELD ON

11/8/63

ITEM F-8

EXHIBIT "B"

November 8, 1963

receipt of the appraiser's study and are prepared to offer said lots for sale pursuant to Section 50, Act 32, S.L.H. 1962, as amended.

Said Section 50 reads in part as follows:

"...if the reclaimed land has been filled in or made with the prior approval of governmental authorities, and not otherwise filled in or made contrary to the public interest, it may be disposed of at fair market value or fair market rental of the submerged public land..." (underscoring added)

In accordance with the statute, it has been determined that the accretion was created with the approval of both the U.S. Corp. of Engineers and the then Harbor Commission. Copies of the original construction permits issued by these agencies are attached to our files. Furthermore, the location lack of adequate access and general small size of these parcels have precluded any real use of this area by the public.

RECOMMENDATION: That the Board:

- A. Find that the intended disposition is not prejudicial to the best interest of the State, community or area in which such reclaimed is located.
- B. Approve the sale of the subject reclaimed land at its submerged value established by appraisal, subject to the following terms and conditions:
 1. That the purchasers of Parcels 1 through 5 and 8 through 11 shall be required to pay cash in full.
 2. That the purchasers of Parcels 6, 12, 14, 16 and 17 shall pay either cash in full or a minimum amount equal to twenty percent (20%) of the purchase price with the balance payable in eight (8) equal quarterly installments plus six percent (6%) interest per annum on the unpaid balance.
 3. That the purchasers of Parcels 7, 13 and 15 shall comply to the terms of Conditions 2, except that the balance owed be payable in sixteen (16) equal quarterly installments.
 4. That the purchaser(s) of each of the aforementioned parcels be required to combine his purchase with his abutting land courted property precedent to the issuance of deed.
 5. That a reservation shall be incorporated as a part of the deed that the public shall be allowed free passage along the water's edge or along the top of any bank or wall which exists, or which may be constructed

November 8, 1963

at some future date, said right-of-way beginning at the top of any bank or wall at the water's edge and extending in land for a distance of four (4) feet.

6. That each purchaser waive, forever, any claim which he may have against the United States, the State of Hawaii and/or agency or instrumentality or political subdivision of either of them with regard to the subject land.
7. Other terms required or recommended by the Chairman.

Respectfully submitted,


JAMES S. DEFOR, Head
Division of Land Management

RECOMMENDED FOR APPROVAL:


JIM P. FERRY, Chairman

